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UNCLAS SECTION 01 OF 16 OTTAWA 000346

SIPDIS

SENSITIVE
SIPDIS

G/TIP, G, INL, DRL, PRM, WHA/PPC

E.O. 12958: N/A

TAGS: [PHUM](#) [SMIG](#) [ASEC](#) [PREF](#) [ELAB](#) [KCRM](#) [KWMN](#) [KFRD](#) [CA](#)
SUBJECT: CANADA'S TIP REPORT SUBMISSION

REF: STATE 2731

1. (SBU) OVERVIEW OF CANADA'S ACTIVITIES TO ELIMINATE TIP

1A. Canada is principally a transit and destination country for trafficking in persons (TIP). NGOs estimate that approximately 2,000 people are subject to trafficking into Canada each year. The Royal Canadian Mounted Police (RCMP) has estimated that approximately 600-800 persons were trafficked into Canada annually and that an additional 1,500 to 2,200 persons were trafficked through Canada into the United States.

According to the Canadian government, victims of trafficking to or through Canada come primarily from Asia -- in particular Thailand, Cambodia, Malaysia, Vietnam -- as well as parts of Africa and Eastern Europe. Victims trafficked to Canada are sent largely to Vancouver, Toronto, and Montreal. (A member of Korea's national police force is posted to the Korean consulate in Vancouver in part to assist with trafficking matters.) Canadian intelligence indicates, and Canadian law enforcement findings support, that trafficked persons in Canada are predominantly forced to work in the sex trade. A study by Criminal Intelligence Service Canada (CISC) confirmed that a link exists between organized crime networks and trafficking for sexual exploitation in Canada.

NGOs and faith-based organizations have noted that Canada is also a labor trafficking destination.

Canada is not a significant country of origin for victims, but ongoing investigations have indicated that some Canadian nationals are trafficked domestically. A report from the Standing Committee on the Status of Women cited testimony that aboriginal females are at greater risk of becoming victims of trafficking.

Canadian government efforts to enhance border integrity and security have helped limit the number of irregular migrants entering Canada. The number of improperly documented arrivals (IDAs) at Canada's airports is at its lowest since the collection of these statistics began in 1989.

The Canadian government and the USG jointly prepared a U.S.-Canada Bi-National Assessment of Trafficking in Persons. The Canadian government also released a 2007 Annual Criminal Intelligence Service Canada Report on Organized Crime, which is available on-line and which provides a general assessment of trafficking in persons.

1B. As the U.S.-Canada Bi-National Threat Assessment highlighted, traffickers tended to be members of larger

criminal organizations, members of small criminal groups, or individual criminals. Organized crime groups are involved in transnational trafficking to varying degrees. This can range from involvement in a specific phase of the TIP cycle (e.g. transport) to the facilitation of entire operations, including coordinating exploitation in the commercial sex trade.

Trafficking victims enter Canada through both legal and illegal means. Some enter with genuine passports, entry documents, and/or work visas. Others use falsified or altered entry documents, such as photo substitutions, or gain entry as impostors. Fraudulent offers of employment sometimes support applications to obtain visas and convince border and consular officials that victims intend to return to their countries of origin. Traffickers sometimes also bring victims into Canada utilizing established smuggling routes and methods.

Trafficking victims often receive promises of well-paying jobs as caregivers, waitresses, models or other legal occupations. The use of threats or other forms of coercion sometimes compels victims to perform services.

According to NGOs and victim-assistance organizations, labor trafficking victims often enter Canada legally with a valid work permit. In many cases, the victims, especially from Asia, paid "recruiting agencies" in their home countries to arrange agricultural jobs in Canada. Once in Canada, "agents" then inform them they are in Canada illegally and threaten to have them deported if they try to escape.

1C. Seventeen federal departments and agencies are members of an Interdepartmental Working Group on Trafficking in Persons

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(IWGTIP). Working group chairs rotate, with senior officials from the Justice Canada and Public Safety Canada as the current co-chairs. The IWGTIP includes the Canada Border Services Agency (CBSA), Canadian Heritage, the Canadian International Development Agency (CIDA), Criminal Intelligence Service Canada (CISC), Citizenship and Immigration Canada (CIC), Justice Canada, the Department of Foreign Affairs and International Trade (DFAIT), Health Canada, Human Resources and Social Development Canada, Indian and Northern Affairs Canada, the Passport Office, the Privy Council Office (PCO), the Public Prosecution Service of Canada, Public Safety Canada, the Royal Canadian Mounted Police (RCMP), Statistics Canada, and Status of Women Canada.

1D. There are no systemic limitations on the Canadian government's ability to address TIP, nor is there any evidence of corruption by Canadian authorities in trafficking matters.

Due to Canada's immigration laws, many labor trafficking victims enter Canada legally, making it difficult to identify and investigate these cases. NGOs have called for the government to commit additional resources to fight labor trafficking and investigate employers suspected of exploitation.

1E. The IWGTIP coordinates and monitors federal anti-trafficking efforts effectively. Canada shares its best practices and makes available its assessments in a range of international fora, including the OAS, OSCE, UN, G8, the Bali Process, and the Regional Conference on Migration. Canada made several presentations related to trafficking at the Regional Conference on Migration meetings in 2007 and 2008. Canada played an active role in the Open-Ended Interim Working Group of Government Experts on Technical Assistance in Vienna October 3-5, 2007. Canada also participated in the Vienna Forum to Fight Human Trafficking.

The government does not keep a running country-wide list of statistics on TIP cases. It compiles available data to share with the USG, but officials have noted that many arrests and investigations are at the provincial -- not federal -- level.

However, the federal government has funded a study on the feasibility of establishing a national data collection framework, including consultations with key stakeholders. The outcome of the study is not yet available.

12. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. Canada's criminal laws prohibit trafficking in persons regardless of whether the trafficking occurs wholly within Canada or whether it involves bringing victims into Canada for the purpose of exploitation. Criminal laws apply across Canada and provide a uniform approach to addressing trafficking in persons and related conduct.

The Criminal Code of Canada contains three specific indictable offenses to combat trafficking in persons, following the enactment in 2005 of Bill C-49, "An Act to Amend the Criminal Code (trafficking in persons)." The Criminal Code sections read:

Section 279.01 - (1) Every person who recruits, transports, transfers, receives, holds, conceals or harbors a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation is guilty of an indictable offense and liable (a) to imprisonment for life if they kidnap, commit an aggravated assault or aggravated sexual assault against, or cause death to, the victim during the commission of the offense; or (b) to imprisonment for a term of not more than fourteen years in any other case. (2) No consent to the activity that forms the subject-matter of a charge under subsection (1) is valid.

Section 279.02 - Every person who receives a financial or other material benefit, knowing that it results from the commission of an offense under subsection 279.01(1), is guilty of an indictable offense and liable to imprisonment for a term of not more than ten years.

Section 279.03 - Every person who, for the purpose of committing or facilitating an offense under subsection 279.01(1), conceals, removes, withholds or destroys any travel document that belongs to another person or any

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document that establishes or purports to establish another person's identity or immigration status is guilty of an indictable offense and liable to imprisonment for a term of not more than five years, whether or not the document is of Canadian origin or is authentic.

Section 279.04 clarifies that for the purposes of sections 279.01 to 279.03, a person exploits another person if they (a) cause them to provide, or offer to provide, labor or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labor or service; or (b) cause them, by means of deception or the use of threat of force or of any other form of coercion, to have an organ or tissue removed.

These specific TIP offenses supplemented previously-existing Criminal Code offenses that are applicable to trafficking in persons cases, including kidnapping, forcible confinement, uttering threats, extortion, sexual assault, prostitution-related offenses, and criminal organization offenses.

The Immigration and Refugee Protection Act (IRPA), which came

into force in June 2002, also included a human trafficking offense (Section 118) that applies to cases involving trans-border trafficking, as well as offenses that are applicable to trafficking. The trafficking-related IRPA citations read:

Section 117 - (1) No person shall knowingly organize, induce, aid or abet the coming into Canada of one or more persons who are not in possession of a visa, passport, or other document required by this Act. (2) A person who contravenes subsection (1) with respect to fewer than 10 persons is guilty of an offense and liable (a) on conviction on indictment (i) for a first offense, to a fine of not more than C\$500,000 (approximately US\$485,000) or to a term of imprisonment of not more than 10 years, or to both, or (ii) for a subsequent offense, to a fine of not more than C\$1,000,000 (US\$967,000) or to a term of imprisonment of not more than 14 years, or to both; and (b) on summary conviction, to a fine of not more than C\$100,000 (US\$97,000) or to a term of imprisonment of not more than two years, or to both. (3) A person who contravenes subsection (1) with respect to a group of 10 persons or more is guilty of an offense and liable on conviction by way of indictment to a fine of not more than C\$1,000,000 (US\$967,000) or to life imprisonment, or to both. (4) No proceedings for an offense under this section may be instituted except by or with the consent of the Attorney General of Canada.

Section 118 - (1) No person shall knowingly organize the coming into Canada of one or more persons by means of abduction, fraud, deception or use of threat of force or coercion. (2) For the purpose of subsection (1), "organize", with respect to persons, includes their recruitment of transportation and, after their entry into Canada, the receipt or harboring of those persons.

Section 119 - A person shall not disembark a person or group of persons at sea for the purpose of inducing, aiding or abetting them to come into Canada in contravention of this Act.

Section 120 - A person who contravenes section 118 or 119 is guilty of an offense and liable on conviction by way of indictment to a fine of not more than C\$1,000,000 (US\$967,000) or to life imprisonment, or to both.

Section 121 - (1) The court, in determining the penalty to be imposed under subsection 117(2) or (3) or section 120, shall take into account whether (a) bodily harm or death occurred during the commission of the offense; (b) the commission of the offense was for the benefit of, at the direction of or in association with a criminal organization; (c) the commission of the offense was for profit, whether or not any profit was realized; and (d) a person was subjected to humiliating or degrading treatment, including with respect to work or health conditions or sexual exploitation as a result of the commission of the offense. (2) For the purposes of paragraph (1)(b), "criminal organization" means an organization that is believed on reasonable grounds to be or to have been engaged in activity that is part of a pattern of criminal activity

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planned and organized by a number of persons acting in concert in furtherance of the commission of an offense punishable under an Act of Parliament by way of indictment or in furtherance of the commission of an offense outside Canada that, if committed in Canada, would constitute such an offense.

1B. Criminal Code Section 279.01 states that the maximum penalty for a person convicted of a trafficking in persons offense, including trafficking for the purpose of sexual exploitation, is life imprisonment where it involves kidnapping aggravated assault or sexual assault, or death and a maximum penalty of 14 years in all other cases. The

maximum penalty for a trafficking in persons conviction under IRPA is life imprisonment and/or a fine not exceeding C\$1,000,000 (US\$967,000).

¶C. The provisions outlined above also apply to trafficking for the purposes of forced labor, with the same penalties. Canada's criminal laws also apply to offenses that have taken place, in part, in another country, provided that there is a factual link between Canada and the offense.

¶D. The maximum penalties for sexual assault offenses range from ten years to life imprisonment. The penalty is 10 years for sexual assault, a maximum of 14 years with a mandatory minimum penalty of four years where a firearm is used for sexual assault with a weapon, and a maximum of life imprisonment with a mandatory minimum penalty of four years where a firearm is used for aggravated sexual assault.

On February 28, 2008, Bill C-2, "The Tackling Violent Crime Act," received Royal Assent after passage by both houses of Parliament. Bill C-2's reforms included increasing these mandatory minimum penalties to five years for a first offense and seven years for a second or subsequent offense for eight specific offenses involving the actual use of firearms (attempted murder, discharging a firearm with intent, sexual assault with a weapon, aggravated sexual assault, kidnapping, hostage taking, robbery, and extortion), when the offense is gang-related, or with use of a restricted or prohibited firearm such as a handgun.

¶E. The Criminal Code does not prohibit adult prostitution. However, three classes of activities related to prostitution are illegal: keeping or being an inmate in a common bawdy-house (S.210); procuring or living on the avails of prostitution (S.212); and, communicating in a public place for the purpose of engaging in prostitution (S.231).

All prostitution involving minors (under age 18) is illegal. Criminal Code subsection 212(2) imposed a maximum penalty of 14 years imprisonment for living on the avails of the prostitution of a person under 18 years. Subsection 212(2.1) imposed a mandatory minimum penalty of five years and a maximum of 14 years for living on the proceeds of the prostitution of a person under 18 through the use of force/intimidation/coercion. Subsection 212(4) prohibited obtaining for consideration the sexual services of a minor, or communicating with anyone for that purpose, and imposed a mandatory minimum penalty of six months and a maximum of five years imprisonment.

¶F. During the reporting period, Canadian authorities filed at least 13 charges involving cases of alleged trafficking for sexually exploitative purposes under section 279.01 of the Criminal Code. Additionally, Canadian authorities filed at QCriminal Code. Additionally, Canadian authorities filed at least four charges under section 279.03 of the Criminal Code. These cases involved both adult and child victims. Some of these victims were brought into Canada to be exploited, while others originated from within Canada. The Canadian government has noted that some municipal, territorial, and provincial investigations, prosecutions, and convictions of trafficking-related cases may not have been reported to the federal government.

The RCMP was involved in numerous trafficking in persons investigations during the reporting period, including in partnership with municipal police forces across Canada and, in some cases, with U.S. state or federal law enforcement agencies.

To date, Canadian courts have not convicted anyone under either the IRPA or Criminal Code trafficking in persons offenses.

In June 2007, a British Columbia court issued its decision in R. v. Ng, Canada's first prosecution under IRPA Section 118. Ng was cleared of all trafficking charges, but was found guilty of a number of other offenses related to the use of false documents, pimping, and the keeping of a common bawdy house. Sentencing deliberations are ongoing.

In May 2007, Canada filed its first charge of human trafficking under its 2005 Criminal Code amendment specifically dealing with trafficking in persons. The RCMP charged two Canadian citizens -- Nichan Manoukian and his wife Manoudshag Saryboyadjian -- with trafficking in persons, receiving material benefit from trafficking, and withholding travel or identity documents related to their treatment of their Ethiopian nanny. In December 2007, however, the Crown withdrew the criminal charges against them, citing new evidence.

In January 2008, the Toronto Police Service filed human trafficking and prostitution charges against six individuals of Russian and Ukrainian descent. The case came to light after a Romanian woman walked into a Toronto Police Service substation and answered that she was being forcibly held and forced to perform prostitution-related services. According to police information, the woman and another victim -- a Russian national whom police located after the original victim entered a police station -- traveled to Canada on forged Israeli passports. Legal proceedings against the six accused are ongoing.

NGOs have commented that Canada should more proactively seek out instances of trafficking by investigating massage parlors and escort services and that Canada's "reactive" approach to trafficking was one reason for its lack of trafficking convictions.

1G. The RCMP provides law enforcement training on trafficking in persons bi-annually at its Immigration and Passport Investigators Course for its own staff and officials from other agencies and police forces. The week-long training session includes a full day dedicated to trafficking in persons and includes in-depth informative training and discussion on relevant sections of the IRPA and the Criminal Code, as well as training on current investigative techniques and identification of potential victims.

In addition, in 2007 the RCMP organized a series of regional events involving an integrated training approach for front-line officers. These week-long events consisted of scenario-based workshops with presentations by the RCMP, Justice Canada, CBSA, CIC, and the Public Prosecution Service of Canada, along with presentations of TIP case studies from municipal police services across Canada. Sessions took place in May 2007 in Toronto, November 2007 in Edmonton, and February 2008 in Atlantic Canada. There will be approximately twelve more TIP workshops across Canada in 2008.

During various training courses, presenters provide information on the temporary resident permit (TRP) available to foreign nation victims of trafficking. Presenters also provide participants with a 24-hour toll-free number should they need more information on the program during non-business hours.

The RCMP Human Trafficking National Coordinating Center (HTNCC) also provides TIP awareness to new RCMP recruits.

CBSA Migration Integrity Officers (MIOs) receive extensive specialized training, including training in passport and Qspecialized training, including training in passport and document fraud, intelligence collection and reporting, identification of inadmissible persons, threats to national security, and detection of migrant smuggling and trafficking in persons. All CBSA Border Services Officers undergo immigration training during a 13 week Port of Entry Recruit Training program at the CBSA Learning Center. An interactive computer-based training package will also be available electronically to officers in the field.

CBSA officers also receive training on the special needs of smuggled or trafficked children, as well as on how to identify and assist missing and abducted children.

Immigration officers receive training on the global problem of trafficking in persons, including how to recognize and interact with a potential victim of trafficking and potential referral services.

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Justice Canada officials work closely with the UN Office on Drugs and Crime on the development of an advanced training manual for law enforcement, prosecutors, and the judiciary, as well as model legislation addressing not only the criminal law requirements contained in the Trafficking Protocol, but also measures to provide assistance and protection to trafficking victims. Canada actively participated in the development of Regional Guidelines for Special Protection in Cases of Repatriation of Child Victims of Trafficking, approved in April 2007, at the New Orleans Regional Conference on Migration.

1H. Canada cooperates fully with other governments in the investigation and prosecution of trafficking cases.

In addition to ratifying the Convention against Transnational Organized Crime and its protocols on migrant smuggling and TIP, Canada has bilateral and multilateral treaties dealing wholly or partially with mutual legal assistance. The Mutual Legal Assistance in Criminal Matters Act enables Canadian authorities to respond to treaty requests to obtain search warrants, evidence gathering orders, and other warrants available under the Criminal Code on behalf of a requesting state assuming the legal and evidential basis for the order exists.

During the reporting period, Justice Canada received one request for mutual legal assistance in relation to a trafficking case that is currently under investigation by another country. The RCMP continues to participate in a Canada/China working group on law enforcement, including trafficking in persons investigations.

RCMP International Liaison Officers are stationed throughout the world, responsible for developing and maintaining liaison as well as exchanging information with foreign officials and international partners, including in source countries such as Asia and Europe. According to the federal government, the RCMP and municipal police services are now involved in several international trafficking in persons investigations.

1I. Canada's Extradition Act, along with various extradition agreements, provides the legal framework to extradite persons from Canada at the request of an extradition partner for the purposes of prosecuting that person, imposing a sentence upon them, or enforcing a sentence on that person. Generally, the offense for which the extradition is requested must be punishable by imprisonment of at least two years. Canada cooperates with other countries to extradite individuals, including its own nationals, when trafficking offenses take place abroad.

1J. There is no evidence of any government involvement in, or tolerance of, trafficking.

1K. There is no evidence of any government involvement in trafficking in persons.

1L. There are no known cases of any Canadian officials abroad engaging in or facilitating trafficking in persons. The government has pledged vigorously to investigate and, as appropriate, prosecute any officials suspected of such involvement under Canada's laws.

According to NGO representatives and other TIP experts, there

are no known instances of any members of the Canadian Forces engaging in trafficking-related activity while on peacekeeping missions overseas.

¶M. Canada is a source country for sex tourists. According to NGOs and activists, anecdotal evidence suggests Canada is also a destination country, particularly for sex tourists. Qalso a destination country, particularly for sex tourists from the United States. ECAPT International's 2006 report on Canada, as well as Canadian NGOs, reported some evidence that individuals traveled to Canada to take advantage of the country's relatively low age of sexual consent. In February 2008, however, the Canadian Parliament acted to help protect children by passing Bill C-2, the "Tackling Violent Crime Act," which raised the age of consent to sexual activity (non-commercial) from 14 to 16 years old.

The Criminal Code allows Canada to prosecute Canadian citizens and permanent residents who sexually assault children abroad when the alleged criminal is not charged/convicted by the country in which the offense is alleged to have been committed. An amendment to the Code in

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1997 permitted the prosecution of Canadian citizens or permanent residents who engage in prohibited sexual activity with children while abroad (subsection 7(4.1)), including seeking/obtaining the sexual services of any person under 18 years. This legislation stipulated that Canada could initiate prosecution only at the request of the country where the crime reportedly happened, as well as the consent of Canada's Attorney General, except in cases of child prostitution. In 2002, Parliament passed Bill C-15A ("An Act to Amend the Criminal Code and to Amend Other Acts"), which simplified the process of prosecuting Canadians who sexually assault children abroad by removing the requirement that the country in which the crime was committed must request the criminal be prosecuted in Canada.

Canada has convicted one person of sex tourism, a Vancouver hotel worker who pleaded guilty to acts of sexual aggression (seven of which were against a minor in Asia) and received a 10 year sentence in 2005.

Two additional cases are currently before the courts in Canada. The Canadian government is aware of at least 110 cases involving Canadians charged with/prosecuted by destination countries for engaging in child molestation.

NGOs and outside experts have commented that Canada has the necessary laws on the books but does not enforce these laws actively enough. Specifically, they have recommended that Canada station RCMP officers abroad dedicated solely to investigating sex tourism, and have criticized Canada for seeming to prefer to have the country in which the crime was alleged to have taken place prosecute Canadian and other foreign sex tourists. They cited the fact that Canada has only convicted one person for sex tourism as evidence that Canada is not doing enough.

¶3. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS

¶A. In June 2007, Canada's Minister of Citizenship and Immigration introduced new measures extending the length of temporary resident permits (TRPs) for victims of human trafficking to 180 days, up from the previous 120 days. Victims are also now eligible to apply for a fee-exempt work permit, an option previously unavailable. Depending on the circumstances of individual cases, victims can seek renewal of their TRPs at the end of the 180-day period.

May 2006 guidelines provide TRP holders with access to Canada's Interim Federal Health Program, which covers essential and emergency health services for the treatment and prevention of serious medical conditions and the treatment of emergency dental conditions. In the case of trafficking

victims, trauma counseling is also included.

Trafficking victims are not required to testify against their trafficker to gain temporary or permanent immigrations status. Canada has undertaken efforts to encourage the participation of victims in supporting the prosecution of alleged offenders including the provision of victim support and assistance and the use of testimonial aids.

There are additional avenues available for individuals to remain in Canada temporarily or permanently, such as provisions for humanitarian and compassionate consideration and the permit holder class. Persons who feel at risk of persecution, torture, or cruel and unusual treatment or punishment upon return to their countries of nationality may make an in-Canada refugee claim.

In October 2007, a member of the Senate of Canada introduced bill S-218 (The Protection of Victims of Human Trafficking Act) to codify as law the procedures for trafficking victims to receive temporary resident status. The bill would amend IRPA to provide for the issuance of a victim protection permit authorizing a trafficking victim to remain in Canada as a temporary resident for 180 days, or for three years in certain circumstances. The bill remains under consideration in the Senate.

1B. The protection of victims of crime is a shared responsibility between the federal and provincial/territorial governments. Numerous programs and services are available to victims of crime, including trafficking victims. These range from health care to emergency housing and social and legal assistance. Each province and territory separately administers legal aid programs, with eligibility based

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primarily upon financial need. Similarly, social services such as emergency financial assistance, including food allowances and housing, are at the provincial and territorial levels and available to those in need.

NGOs and faith-based organizations have claimed that the majority of victims rely upon them for assistance such as shelter and food. Some of these organizations receive government funding. See Section 2 (C) below.

In October 2007, a Member of Parliament submitted a motion (M-217) to the House of Commons urging the government to establish safe houses under federal jurisdiction but run by NGOs to provide medical treatment and shelter for trafficking victims. The motion includes a stipulation of making the shelters known to female immigrants from 15 to 21 years old, by providing them with the shelters' telephone numbers upon arrival in Canada. The motion remains in the Commons.

1C. The government provides funding and other forms of support to foreign and domestic NGOs for services to victims. In 2000, the government established the Victims' Fund at Justice Canada to encourage the development of new approaches to meet the needs of crime victims. Community groups and NGOs may apply to the Victims' Fund to develop programs to fill gaps in the delivery of services to victims. The Policy Center for Victim Issues at Justice Canada also provides victim-support by commissioning research on victim-related issues, creating and disseminating fact sheets on victim issues, and consulting with NGOs and victims.

In 2007, the government provided C\$5 million (US\$4.8 million) to support initiatives to increase victims' confidence, raise awareness about the needs of crime victims, and facilitate the provision of available services and assistance to victims and their families. In 2007, the government also allocated an additional C\$52 million (US\$50.2 million) over the next four years for programs, services, and funding to support federal, provincial, and territorial efforts to meet the

needs of victims of crime.

DFAIT and CIDA provide technical assistance and foreign aid overseas to support the prevention of trafficking, the prosecution of traffickers, and the protection of victims, including:

- CIDA, in partnership with Save the Children Canada, funds Fight against Child Trafficking in West Africa, which aims to eliminate the trafficking of children into forced labor and to support the rehabilitation of children who have been trafficked in West Africa;
- CIDA supports the OSCE/ODIHR Anti-Trafficking Program European regional program to combat trafficking, which is working to coordinate and implement activities across the former Soviet Union and South-East Europe;
- From 2004-2010, CIDA supports the Southeast Asia Regional Cooperation in Human Development (SEARCH) program, which works with the United National Interagency Program to address trafficking in persons in the Greater Mekong Sub-region.

¶D. Please see Section 2 (G) for examples of training efforts, which include modules on recognizing and protecting victims.

The RCMP has updated the existing TIP reference guide for Canadian law enforcement to include additional information about the identification and protection of victims and useful tips for interviewing victims. The government will distribute the guides to law enforcement throughout Canada. Qdistribute the guides to law enforcement throughout Canada. Training for law enforcement officers includes sensitization to the special needs of victims prior to the execution of operations, i.e. prior to a raid on a massage parlor, when both victims and offenders may be on-site. The RCMP has also developed step-by-step guidelines for international and domestic cases on how to treat victims once they are identified. The RCMP, in conjunction with its federal partners, prepared an anti-TIP training film on how to identify and protect victims. The RCMP shows the film to NGOs and law enforcement groups. The RCMP is currently developing a new awareness film that will include information about domestic trafficking cases, as well as labor trafficking.

CIC's guidelines to assess whether a foreign national may be a victim of trafficking in persons include a checklist of indicators to assist officers in distinguishing a possible TIP victim from a routine case of irregular migration. When, in the judgment of an officer, an adequate number of

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indicators are present, the officer has the option of referring the possible TIP victim to CIC for consideration for a TRP. The guidelines instruct both CIC and CBSA officers to take action to ensure the safety of the possible victim and ensure that the possible victim is separated from the control and custody of any possible trafficker. They also must coordinate with partners to ensure the victim will go to a shelter or receive police protection, as appropriate. The guidelines advise officers to proceed with extreme tact and sensitivity once a person is identified as a possible TIP victim. The guidelines also include special provisions for dealing with child victims of trafficking. From March 2007 to February 2008, CIC issued TRPs in this category to four people.

¶E. As noted in Section 2 (F), while prostitution is not illegal in Canada, many of the activities surrounding it are illegal. Also, as noted in Section 2 (D), law enforcement officers receive training on how to identify trafficked victims and how to be sensitive to their special needs.

¶F. Canada respects the rights of victims. The Canadian Statement of Basic Principles of Justice for Victims of Crime outlines the basic principles that guide the development of policy, programs, and legislation pertaining to all victims of crime in Canada.

1G. The government does not require victims to assist in the investigation or prosecution of alleged offenders. However, victims who are supported and assisted throughout the criminal justice process are more likely to support a criminal prosecution. Toward this end, Canada's Criminal Code contains numerous provisions to facilitate a victim's/witness's participation in criminal proceedings. Many of these aids have been available to child victims/witnesses since 1998. In 2005, Canada expanded these provisions so that they are available to vulnerable adult victims and witnesses as well, including TIP victims. The provisions include:

Section 486.1 - (1) Authorizes the presence of a support person for a child witness or person with a mental or physical disability when that person testifies in any proceeding unless the support person's presence would interfere with the proper administration of justice. (2) Authorizes the presence of a support person for all other witnesses where doing so would be necessary to obtain a full and candid account from the witness of the acts complained of. In determining whether to permit a support person in this case, the judge/justice must take into consideration the age of the witness, whether the witness has a physical/mental disability, the nature of the offense, the nature of any relationship between the witness and the accused and any other circumstances that are considered relevant by the judge/justice.

Section 486.2 - (1) Authorizes the giving of testimony outside of the court room (via closed/circuit television) or behind a screen or other device by a child witness or of a witness who has difficulty communicating evidence by reason of a mental or physical disability. Such measures must not interfere with the proper administration of justice. (2) Authorizes the giving of testimony outside the court room (via closed/circuit television) or behind a screen or other device for all other witnesses if the judge/justice is of the opinion that it is necessary to obtain a full and candid opinion that it is necessary to obtain a full and candid account from the witness of the acts complained of. In determining whether to permit such measures, the judge/justice must take into consideration the age of the witness, whether the witness has a physical/mental disability, the nature of the offense, the nature of any relationship between the witness and the accused and any other circumstances that are considered relevant by the judge/justice.

Sections 714.1-714.4 authorize a witness to provide evidence by means of audio or video technology, where deemed appropriate by the court, from either within Canada or outside Canada.

While the government does not keep statistics regarding the number of victims who participated in the investigation and prosecution of trafficking offenses, available information indicates that, during the reporting period, a number of victims did assist in investigations and prosecutions.

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A victim is entitled to prepare a victim impact statement, which is a written statement made by the victim that describes the harm done to the victim and, more generally, the impact the crime has had on his/her life. The court must take statement into account when considering the sentence of the guilty.

Civil redress against perpetrators of crime is a matter of provincial/territorial responsibility in Canada. The provinces and territories have enacted legislation in their respective jurisdictions that outline numerous rights for victims of crime including, in most cases, the right to seek compensation.

At the federal level, the Criminal Code authorized the imposition of a victim surcharge in addition to any other sentence ordered for an offender convicted or discharged of an offense. This money funds, in part, provincial and territorial victim services and programs.

In addition, offenders sentenced for trafficking offenses under the Criminal Code may receive a restitution order as part of their sentence. A restitution order can be issued in three instances: (a) to cover the cost of damage, the loss of or destruction of the property of any person as a result of the commission of an offense; (b) to cover all pecuniary damages, including loss of income or support, to any person who has suffered bodily harm as the result of the commission of an offense; and (c) to cover the cost of all actual and reasonable expenses incurred by a member of the offender's household associated with a person having to move out of that household to cover temporary housing, food, child care and transportation, the offender is required to pay an amount directly to the victim to cover monetary losses or damage to property caused by the crime.

1H. See Section 3 (B-C) above.

The Witness Protection Program Act provides legal framework to protect persons who are involved in providing assistance to law enforcement in various matters. Protection can include relocation, accommodation, and change of identity, as well as counseling and financial support necessary to ensure the security of the person and to facilitate their re-establishment and self-sufficiency. The Source Witness Protection Program is housed within the RCMP. As of February 2008, no victims of human trafficking had applied for protection under this program.

In 2007, the Manitoba provincial government introduced legislation to codify provincial efforts to protect witnesses in high-risk cases. The proposed law would create a Witness Security Program to provide protection to witnesses in criminal cases who are assessed to be at risk of injury or death if they testify.

Victim service delivery is also the responsibility of provincial/territorial governments. Each of the provinces and territories has set up victim services to address the needs of victims. Not all provincial/territorial victim services follow the same model. They include court-based, police-based, and system-based. The specific services offered to victims, including those offered in shelters, may include: the provision of information; support and referral; short-term counseling; court preparation and accompaniment; assistance in the completion of victim impact statements; and, corrections information. Services are provided to all victims of crime, although some provinces provide specialized services including specific child victim witness programs, assistance under provincial family violence legislation, sexual assault/rape crisis centers, violence awareness programs for women, partner assault response programs, services to women and children, and initiatives from aboriginal victims.

Provinces and territories are also primarily responsible for the administration and enforcement of laws related to children and youth, as well as the provision of socio-legal services geared towards children. All provinces and territories have child protection laws and agencies responsible for assisting children in need, focused on the principle of the best interest of the child. Where a child is found to be in need of protection, an array of services to meet the needs of the child comes into play.

1I. Please see Section 2 (D) and Section 3 (D) for information

on training, including with respect to the needs of children.

Canadian embassies, consulates, and missions abroad fight against trafficking in persons through the development of relationships with NGOs and participation in international conferences. The Canadian government has developed consular guidelines for Canadian diplomats on the sexual exploitation of children by Canadians abroad. These guidelines discuss the law concerning child sex tourism and recommend referral of complaints to the local law enforcement/local Interpol office/RCMP liaison officer.

1J. Social programs such as health care, emergency housing, legal aid, or emergency financial assistance are primarily at the provincial/territorial levels in Canada. Canadian citizens and residents are entitled to apply for these services as a right, although the exact eligibility requirements for services based on financial need varies by jurisdiction. None of these services is explicitly linked to whether an individual is a victim of crime, however.

1K. DFAIT also provides support to combat trafficking in persons internationally through a variety of funding sources. It makes a C\$2.45 million (US\$2.4 million) annual contribution to the UN Office on Drugs and Crime and the Global Peace and Security Fund.

Other DFAIT-funded anti-trafficking projects during the reporting period include:

- Support to the UN Convention on Transnational Organized Crime -- priority to Latin America (Partner: UNODC): this project provides technical assistance to bring the UN Convention Against Transnational Organized Crime and its protocol (including the Human Trafficking Protocol) into effect as soon as possible;
- Strengthening of National and Regional Capacities in Preventing and Combating Trafficking in Persons in Central America (Partner: UNODC): this project supports governments, civil society, and the international community in the harmonization of legislation to comply with the requirements of the UN Trafficking in Persons Protocol;
- Strengthening of the legal and law enforcement institutions to prevent and combat human trafficking in Lao PDR (partner: UNODC): this project strengthens Laos' ability to investigate, prosecute, and convict traffickers through a needs assessment and proposed amendments to criminal law structures, training for criminal justice practitioners, and law enforcement;
- UN Global Initiative to Fight Human Trafficking - Meeting on Trafficking in Children and Armed Conflict in Cote d'Ivoire (Partner: UNODC): this project addresses the need for strengthened capacities of anti-trafficking national task forces, law enforcement agencies, the judiciary, and other relevant practitioners in Central and West Africa;
- Preventing Human Trafficking in the Malai District (Partner: IOM Cambodia): this project promotes community prevention efforts against trafficking in persons along the Cambodian/Thai border;
- Caribbean anti-Trafficking in Persons Awareness Raising Seminar (Partner: OAS Department of Public Security): this project increases awareness by all sectors of Caribbean society of the scope of the trafficking in persons situation through awareness raising and training governmental officials on how to identify and protect trafficked victims;
- Anti-Trafficking in Persons Train-the-Trainer Program for Q-- Anti-Trafficking in Persons Train-the-Trainer Program for Peacekeeping Personnel from the Americas (partner: OAS DPS): this project strengthens the capacity of Latin American and Caribbean peacekeeping forces to recognize the crime of trafficking in persons and contribute to its prevention;
- Shattered Dreams: Raising Awareness Among Vulnerable Adolescents and Others on the Risks and Consequences of Human Trafficking (Partner: IOM): this program disseminates the animated video "Shattered Dreams," which aims at raising awareness among vulnerable adolescents about the risks associated with human trafficking in Thailand, Laos, Vietnam, and Cambodia;

-- Organized Crime: A Threat to the Caribbean (Partner: OAS - DPS): the project brought together a group of experts from four areas related to organized crime, including trafficking in persons and presented recommendations to the General Secretariat;

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-- Three anti-trafficking projects in Haiti: an IOM project supports the Haitian government's development of a comprehensive counter-trafficking strategy; the Pan-American Development Foundation migration project focuses on

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stabilization and reconstruction of the Haiti-Dominican Republic border region, which will strengthen the capacity of the Haitian government and civil society to combat trafficking and provide services to victims of trafficking; and, an IOM project to enhance the Haitian government's capacity to manage borders and regular migration flows through the implementation of a legislative review, provision of equipment at ports of entry, and the integration of Haiti into a regional consultative process on migration.

Since 1996, Human Resources and Social Development Canada has supported the ILO's International Program for the Elimination of Child Labor's projects to eliminate child slavery, debt bondage, serfdom, and other exploitative labor practices.

14. (SBU) PREVENTION

1A. Canada fully recognizes that trafficking is a significant problem.

1B. The government supports a broad range of trafficking in persons prevention and awareness measures.

In 2007, Justice Canada funded the development of an education booklet for the public on trafficking in persons. This builds on previous efforts including anti-trafficking posters and pamphlets, as well as a website.

Through Status of Women Canada and its two funds -- the Women's Community Fund and the Women's Partnership Fund -- Canada supports community and collaborative projects to advance the equality of women, with violence against women one of the two priority issues for 2007-2008.

The RCMP continues to work to raise awareness, both within the law enforcement community and the general public, such as programs organized in Ottawa in early 2008 by Zonta International. The RCMP also raises awareness in the law enforcement community with several TIP tools, including a reference guide, awareness cards, posters, and a TIP film. These awareness tools are part of law enforcement tool kits that hundreds of law enforcement officials received in 2007.

CIC, in collaboration with Human Resources and Social Development Canada, distributes information to temporary foreign workers informing them where they can seek assistance on issues related to employment as well as health and safety standards. Live-in caregivers and their employers receive information from a CIC publication, "The Live-In Caregiver Program." The publication contains a sample contract, contact information for provincial/territorial labor standards officers, and live-in caregiver associations. The Canadian visa office in Manila funds in-person group orientation sessions further to prepare live-in caregivers for work in Canada.

In January 2008, the government provided new funding of C\$6 million (US\$5.8 million) to strengthen existing initiatives combating the sexual exploitation and trafficking of children, including a national awareness campaign on trafficking in persons and a 24/7 phone line to serve as a central point for public reporting of possible TIP cases as well as for obtaining general information about TIP.

Regarding projects that target vulnerable or potential trafficked victims, the National Crime Prevention Center supports trafficking prevention programs from a policy perspective. It funded the development of a practical assessment tool, called "Guidance on Local Safety Audits: A Compendium of International Practice," which identified the means to gather a clear picture of crime and victimization in a given city, specified key populations and issues that should be examined, including trafficking, and outlined sources for information. The Center has also funded preventive actions for populations most vulnerable to trafficking, such as street youth, sexually exploited children and youth, youth involved with drugs, and women involved in the sex trade. The Center has also established aboriginal specific initiatives.

Please see Section 3 (K) for additional information on Canada's international technical assistance projects that include prevention and awareness-raising.

1C. Canada fully recognizes the importance of collaboration with domestic partners, including the provinces and

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territories, as well as members of civil society, to more effectively to combat trafficking in persons. As noted above, the RCMP delivered presentations on raising awareness of trafficking in persons to civil society and the general public. The government has conducted outreach to civil society groups including the Canadian Council for Refugees to inform them about new government programs and services to assist victims. Status of Women Canada continues to support the work of NGOs, including by financing an "environmental scan" across Western Canada to assess the situation of women and girls in relation to trafficking. Status of Women Canada will partner with the province of Alberta for a second phase of this work, which will involve the development of intra-agency protocols for victims of sexual exploitation.

Provincial and territorial governments also work with NGOs to fight trafficking in persons. In July 2007, British Columbia's provincial Ministry of Public Safety and Solicitor General launched the Office to Combat Human Trafficking to identify gaps and barriers to providing services to trafficked persons, and, in partnerships with key stakeholders, to develop a comprehensive protocol. The office collaborates with numerous jurisdictions and agencies, including other provincial ministries, federal departments, law enforcement agencies, and NGOs. NGOs have expressed the hope that this office will play a significant role in helping better to fight trafficking in British Columbia.

Canada also uses existing fora to engage the provinces and territories on trafficking in persons. On February 28-29, 2008, the Labor Program in Human Rescues and Social Development Canada held the annual Federal/Provincial/Territorial workshop on International Labor Organization issues. At the session, the IWGTIP co-chairs gave a presentation on TIP and forced labor awareness-raising to federal, provincial, and territorial labor policy officials.

Canada also partners with the private sector to fight trafficking, such as a collaboration with Microsoft to develop the Child Exploitation Tracking System, which helps law enforcement officials apprehend Internet-based sexual predators. Please see Section 4 (G) for examples of Canada's partnerships with the private sector at the international level.

However, some NGOs have urged that the government provide them with additional support since the NGOs claim to provide the majority of assistance for victims.

1D. Joint U.S.-Canadian Integrated Border Enforcement Teams (IBETs) enhance border integrity and security along the U.S.-Canada border by identifying, investigating, and interdicting persons and organizations that pose a threat to national security or are engaged in other border related criminal activity. There are 15 IBET regions with 23 locations along the border. IBET's core agencies include the RCMP and CBSA on the Canadian side, and CBP, ICE, and the U.S. Coast Guard on the USG side. In addition to these five core agencies, there are federal, provincial, territorial, state, and municipal agencies within IBET.

Integrated Border Intelligence Teams (IBITs) support IBETs and partner agencies by collecting, analyzing, and disseminating tactical, investigative, and strategic intelligence information pertaining to cross border crime between the U.S. and Canada. They share this intelligence with participating agencies to target international/national/criminal organizations.

The Criminal Visa Screening Unit at the RCMP gathers intelligence on potential travelers to Canada from foreign countries for the purpose of targeting organized crime. It is currently expanding specifically to focus on trafficking in persons. The enhanced criminal screening process along with location visits and on-site interviews in Canada by RCMP and CBSA determine the validity of travel requests, the accuracy of information presented by visitors, and potential organized crime links.

CBSA monitors irregular migration to Canada and publishes regular intelligence analyses, which identify trends and patterns in irregular migration and migration-related crime, including trafficking in persons. In addition, CBSA performs a number of functions to prevent trafficking of persons into Canada, to deter trafficking organizations from using Canada

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as a destination country or a transit country, and to investigate and support the prosecution of trafficking offenders, including:

- Migration Integrity Officers (MIOs) work with airline security and local authorities in 39 countries to prevent irregular migration, including migrant smuggling, by interdicting individuals before they arrive in Canada;
- MIOs provide advice to airlines on persons who may be attempting to travel without proper documentation, and assist visa officers in combating visa fraud;
- MIOs work with international law enforcement partners to detect trends and patterns in irregular migration and collect and report intelligence information on irregular migration, organized migration crime rings, and the routes and methods they use;
- Visa officers posted abroad by CIC are also trained to be vigilant in identifying possible victims of trafficking when examining both permanent and temporary applications submitted abroad;
- CBSA maintains Border Services Officers at 245 Ports of Entry, who examine foreign nationals seeking entry to Canada to ensure they have genuine, properly-obtained travel documents, and are entering Canada for a genuine and lawful purpose;
- Enforcement officers receive training to identify possible victims of trafficking in order to refer them to CIC officials.

There is a high degree of security cooperation between Canada, the United States, and Mexico, notably through the Security and Prosperity Partnership of North America (SPP). Canadian immigration visa officers and MIOs at Canadian missions abroad collaborate on anti-fraud activities overseas to ensure the integrity of the Canadian managed migration program. Canada also cooperates with national police, as well as the migration and law enforcement officers of various embassies, to identify, investigate, and shut down criminal organizations involved in document forgery and trafficking in

persons. Canadian immigration officers also provide technical assistance to support collaborative efforts with other countries on trafficking.

Immigration officers overseas support anti-trafficking awareness and prevention through such methods as giving presentations and participating in regional anti-trafficking meetings and conferences.

In addition, a proposed "Act to Amend the Immigration and Refugee Protection Act" (C-17) would allow immigration officers, on the instructions of the Immigration Minister, to use their discretion to refuse to issue work permits in situations where individuals might be subjected to humiliating or degrading treatment, including sexual exploitation. As of March 2008, this bill is under review in the House of Commons.

1E. As noted in Section 1 (C), IWGTIP coordinates Canada's federal anti-trafficking efforts. Canada does not have a public corruption task force. Canada, however, ratified the UN Convention against Corruption in October 2007.

1F. Canada does not have a formal national action plan. In its efforts to combat trafficking, however, it focuses on a framework around what it calls the four "Ps:" prevention, protection of victims, prosecution of offenders, and through partnerships.

1G. Canadian strategies to combat trafficking in persons address demand. Notably, Canada's criminal laws against trafficking, prostitution, assault, sexual assault, and Qtrafficking, prostitution, assault, sexual assault, and forcible confinement help dissuade persons from engaging in conduct that fuel the demand for exploitative labor or services. In addition, Canada's trafficking offenses address not only the trafficking of persons, but also those who receive a financial or other material benefit from the commission of a trafficking offense. Canada's sex tourism offenses allow for the prosecution of those Canadian citizens or permanent residents who travel abroad to engage in prohibited sexual activity with children.

Canada also addresses demand by supporting programs that raise awareness and train law enforcement officials to identify victims and prosecute offenders. Canada supports prevention awareness and research to address demand. Please see Section 4 (H) for examples of efforts to prevent the demand for child sex tourism.

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In January 2008, the Public Safety Minister announced that CIDA would provide C\$2 million (US\$1.9 million) to the Canadian Center for Child Protection, a national charitable organization. The Center will use the funds to pursue more leads from the public about the suspected on-line exploitation of children, raise public awareness better to protect children, and develop educational materials on issues related to child sexual exploitation. The Center also runs Cybertip.ca, Canada's tip line for reporting on-line child sexual exploitation, and "Kids in the Know," a comprehensive personal safety and sexual exploitation prevention program.

1H. Canada views child sex tourism and trafficking in persons as two separate issues, but recognizes the two may be linked. Please see Section 2 (M) for how Canada's criminal laws address child sex tourism.

The RCMP is the international contact point for investigation and assignment of files involving Canadian suspects and victims of Internet-facilitated child sexual exploitation. The RCMP's National Child Exploitation Coordination Center receives information through national and international partnerships, Interpol, and domestic law enforcement. Individuals engaged in sex tourism are included in this

information due to their use of the Internet in organizing and communicating travel activities as well as posting/distributing sex abuse images. The Center coordinates intelligence and provides investigations support and expertise to enable Canadian law enforcement to investigate these offenses.

DFAIT's tourist publication, "Bon Voyage, But..." advises Canadian travelers of the Canadian child sex tourism offense and warns that child sexual exploitation may also be prohibited in the destination country. DFAIT provides related information in its Country Reports for travelers to consult prior to departure. The government has developed an awareness-raising poster (www.voyage.gc.ca/main/pubs/child_ensure-en.asp). See Section 3 (i) for guidelines for consular officers posted abroad.

CIDA, through its Office for Democratic Governance, approved a financial contribution over a period of three years (2008-2010) to the Child Protection Partnership, a consortium of organizations led by the International Institute of Child Rights and Development (University of Victoria), Microsoft, the RCMP, and UNICEF. The Partnership focuses on provided to developing countries the Child Exploitation Tracking System (CETS) to equip police services around the world to respond cooperatively to the borderless crime of Internet distribution of child pornography. (The Toronto Police Service and Microsoft Canada jointly developed CETS in 2003.)

CETS is currently in use in Canada, the U.S., United Kingdom, Australia, and Italy. In addition to providing the CETS software and training for law enforcement officers and the judiciary, the program will include awareness training on children's rights and the development of services for affected children, families, and communities in three to five as yet undetermined developing countries.

The government's provision of C\$2 million (US\$1.9 million) to the Canadian Center for Child Protection (see Section 4 (G)) also addresses child sex tourism, as many child sex tourists exchange information and locate victims via the Internet. Qexchange information and locate victims via the Internet. Cybertip.ca is one way the Center is fighting on-line child exploitation, which is often connected to child sex tourism.

NGOs and outside experts have suggested that Canada could additionally help to curb child sex tourism and to increase prosecutions by requiring child sex offenders listed on the National Sex Offender Registry to receive permission to leave the country, and/or by restricting passports of child sex offenders who are deemed to be a risk to children abroad. Currently, child sex offenders are not required to report their absence from Canada unless they will be abroad for more than fourteen days. In November 2007, a Member of Parliament introduced a motion to allow the Foreign Minister, at the request of a competent authority, to refuse to issue a passport to, or cancel a passport of, a person suspected to pose a danger to a child; this motion remains under consideration in the House of Commons.

11. The Canadian military justice system has jurisdiction over disciplinary issues involving members of the Canadian Forces

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who are participating in operations outside of Canada, whether under as part of a UN or other multilateral mission. Disciplinary action can also be taken under the Code of Service Discipline to address an alleged act of omission committed by someone while outside Canada when that act or omission is an offense under the law in the place where it occurs. The Department of National Defense remains committed to comprehensive implementation of the NATO Policy on Combating Trafficking in Human Beings, and has made concerted efforts to ensure the provision of all necessary knowledge, values, and skills to all members of the Canadian Forces, as well as to civilian contractors on international missions.

Please also see Section 3 (K) for a summary of a recent project Canada supported to provide anti-trafficking training to peacekeepers in the Americas.

15. (U) Point of contact is Poloff Liz Zentos (ZentosEF@state.gov, phone: 613-688-5240, fax: 613-688-3098).

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